

# THE NATIONAL REGISTER.

No. 3. VOL. III.]

WASHINGTON, JANUARY 18, 1817.

[VOL. I. FOR 1817.

PUBLISHED EVERY SATURDAY, BY JOEL K. MEAD, AT FIVE DOLLARS PER ANNUM.

## TO VERITAS.

### ON BANK SPECULATIONS.

*Qui capit ille facit.—If the cap fits, &c.*

Surely some gad-fly, some malcontent gallipper has bitten us—to cause us thus to meddle with a subject which is so notoriously in the neglected line of every body's business; to cause us to jeopardize the fair reputation of peaceableness and impartiality which we had maintained so long: and for what? For the purpose of serving the public, alack! To be sure, we told the truth, but that was none of our fault, you know.

You tell us, that we made some "injurious insinuations, in which the character of an amiable, worthy gentleman, was pointedly censured." That was very unlucky, and quite accidental: but since it has come to this, that an individual applies to himself alone any charge that would otherwise have rested, perhaps unfairly, upon the heads of several, he must either bear the imputation, or else offer a denial. We repeat the fair proposals, which were before made and repeated, for publishing the counter-statement of any one that would give the authority of his name—but you must really excuse us, good sir, if we forbear to comply with your request—we cannot contradict ourselves, at least until somebody ventures to contradict us.

You observe, that your friend notified those who offered to sell him bills, that they could receive more from other purchasers; "thus frankly giving the option to those who were to receive the bills, to take them and dispose of them as they please where there are a number of purchasers." The gentleman may be able to prove some cases in which he informed people that, in his market, he gave only half price; which would be a strange kind of information, "very unusual in monied transactions," as you observe, and not afforded in the cases that come to our knowledge. It is certainly something new to establish a character for frankness upon the ground of having told people that any other person would deal more generously than he did.

But that is no point at all—the accusation was, that somebody endeavored to *induce* the brokers to allow only five per cent. instead of ten, which was the selling premium. We are informed by a friend of the person supposed to be implicated, that instead of 5 per cent, we should have said 6! That is very good; but we know better—however, the acknowledgment is worth the difference at any time. But the great point is, that the bank—no, we beg pardon, not the bank—but the "bank

officers, in their individual capacities," offered to pay checks, &c. with the depreciated paper of western banks, which *must* have been bought for that purpose. It is very true, that when any one signified an intention to have the checks protested, he was accommodated to his heart's content: but how many were previously apprised of this? and how many sustained loss rather than risk the alternative?

What brought the matter within our jurisdiction, and under the particular requisitions of our duty, was, that the public claimants were, by such speculations, sustaining daily losses upon their treasury warrants. We have a particular reason for believing that the Treasury Department was, for a while, ignorant of the business; and that the evil was corrected as soon as information was communicated. We are happy in believing that, in our humble way, we have somehow been instrumental in causing the reformation.

We do not wish to make any unnecessary developments, for the purpose of informing the public how much reason they have to be obliged to us; we neither look for gratitude nor remuneration: but notwithstanding the friendly cautions that have been afforded, we are under no apprehensions of displeasing our readers and sustaining loss by our expositions; and no empty compliments paid to the merits of our paper, and the prudence of its past course, shall ever make us deviate from the pursuit of those national objects which, at every step, we have had in view.

You observe, that "together with the rare abilities of that gentleman (the bank broker meaning) for the despatch of his arduous and important business in public, his private life discloses many traits of a very liberal and a very amiable disposition. This, as usual with men of real merit, is known only to those admitted to intimacy." Ah! that is the misfortune; had he exhibited any tokens of liberality to any except his few intimate friends, no doubt he would have escaped animadversion. We hope it is not usual for men of real merit to have their good qualities so shaded and secreted, especially after they have long been engaged in arduous and important public business. Had he been

"A youth to fortune and to fame unknown,"  
A tender flowret, "born to blush unseen,  
And waste its sweetness on the desert air,"

as Gray says, we could then have comprehended the secrecy of his amiability and liberality: but pardon us if we show a little awkward incredulity on hearing them

thus divulged, at this time of day, by a very intimate friend, whom we take to be no other than—the gentleman himself.

We regret, Veritas, that you have recalled the cautious letter in defence of your friend, which you had transmitted for our Register. It must appear strange that any one could be committed by an anonymous excuse, so general; bearing so little upon the case, as not to controvert even one of our accidental insinuations. Poor, luckless, useless defence, let it go to its unhappy author, to be buried for ever from human view, along with the equally luckless and useless *certificate* of his innocence, and the other tokens of his liberality and amiability.

Again we beg, that if any one among the many referred to should think himself particularly impeached, and, at the same time, should be unconscious of having ever dealt upon unfair principles, we will not even ask him to expose his name to the public—let him enable us, “in our private capacities,” to ascertain the uprightness of his conduct, and we shall take care that no reflections shall fall upon him from our quarter. But it is certain, that some persons have speculated in the ungenerous way that we have noticed. We have no personal ill will to gratify in the affair. It is impossible we could have any, from our unacquaintance with those concerned; but as the cause of complaint was of such a nature that it could not be corrected by any existing law, it was therefore necessary that it should be brought before the bar of the public.

#### OGILVIE'S PHILOSOPHICAL ESSAYS.

We do not intend to review this work; because, in truth, we have not read the half of it, and, probably, never shall read the rest. Such schoolboy-tasks those pioneers of literature, the reviewers, are compelled to undergo, whether they like them or not; for our part, we are only writers at large, in the wild and free fields of politics. We suspect that those essays will do no harm; and it is probable that they can do no good; and if such be the case, the editors of the Port Folio and Analectic Magazine were blameable for bestowing particular attention upon them—certainly, we should not notice them here, were it not for the intemperate, ungentlemanly attack which the author makes on his critics, by way of appealing from their decisions and replying to them. Such conduct in an author, were he even one of some merit, might be sufficient to rouse around him the whole hornet's nest of literature. There is no appeal from the tribunals of criticism, because their decisions are only appeals to the good sense of the public; and if an author considers it incompatible with his dignity to become the advo-

cate of his opinions or productions, the public will consider him still more degraded when he meets his censors with nothing but abuse.

As the Magazines referred to, though not devoted to criticism, yet being generally listened to with much deference in their critical disquisitions, and by some regularity of attention to the business of reviewing, as well as a display of considerable ability, with even great occasional talent, in the execution of its duties, are considered as standing pledged to take cognisance of every American literary work that may be likely to affect the national taste, morals, or literary character, Mr. Ogilvie, therefore, was aware that he could attain no distinction as a writer, without passing the ordeal of their examinations. Amidst much affected courage, or confidence of security, he betrayed an instinctive sense of his danger, by announcing, at his outset, that he would “blow them into annihilation” if they should venture to condemn him. Decent reprehension could not well be applicable to such vanity—there is a character of unruly arrangement of intellect in it that seems to need other treatment.

Mr. Ogilvie has been condemned, of course—in the court of criticism—*ex cathedra*—every where—generally without reservation, and, we believe, without dissent. He opened his work by waiving all claims to indulgence and demanding only justice; it was therefore natural, that possessing so little merit and so much confidence, he should meet with nothing but punishment. In return, he appears, while even grasping, with pitiable weakness and distress, at some shadows of defence, as little disposed to show mercy as to ask for it—a perfect Choctaw in the warfare of the pen.

Mr. Ogilvie remarks, that “when a book is published it becomes public property, and every intelligent reader into whose hands it falls, has an interest, and must feel it to be a duty, to promote the circulation, and to assist in preventing the misconception or misrepresentation of whatever may be useful in its contents.” This is at least partly true; but one question, as regards the critics, is, whether the book, take it in all, is likely to be useful. The importance of the subjects treated of cannot alter the principle, at least where the writer appears either to oppose truth, or to injure its cause by his unskillful manner of defending it. With regard to those philosophical essays, as they are ridiculously misnamed, they can have no success which would not be calculated to corrupt, at least the taste of all approving readers.

As an instance, we may mention the speeches of Phillips. Even genius has there bowed to the senseless plaudits of the multitude, and subscribed, with hesitating, profound regret, to the maxim,

that to be successful and useful, not only orators, but even writers, must compromise with the caprices of popular taste. Genius, a child of heaven, must submit to the fashions of the children of men, if she wishes to live amongst them.

In Phillips, the vain, nonsensical glitter of the language is forgotten before a spirit that breathes his warmth upon us as he passes; but, of Ogilvie's oratory, it can be said, with incomparably more justice of application, than was said by Junius of the letter of Sir Wm. Draper, that "it is the madness of poetry without the inspiration." In some parts of his Essays we see only the indulgence of a prudent, deranged fancy; and at other times even his nearest approaches to eloquence are coldly artificial. It is absurd to call that eloquence which is only a mixture of mist and moonshine: where the goddess that rides in the whirlwind—that now descends to explore the caverns of the great deep for baby toys; and now flirts up to the skies, in order to tear the rainbow to pieces and array herself in its fragments—is nothing but a wooden puppet on wires. When we read Mr. Ogilvie's book, it excites a sensation of ridicule and astonishment that has something pleasurable in it, for a while; we feel, as Gay says,

"A sort of — as it were —,"  
that reminds us of what Salmagundi called "swimming in a sea of feathers;" which, however, we soon quit in disgust, and without any astonishment but at the wonder, that such a sea could have been all produced by one great goose.

*Ce qui manque aux orateurs en profondeur  
Ils vous la donnent en longueur.* Montesq.

There is nothing so intolerable in Ogilvie as his vanity. There is nothing great in fame—there is nothing profound in science—there is nothing brilliant in talent, that could exempt an author from ridicule who could speak of his productions thus:

"In preparing and publishing these essays, Mr. O. has, in fine, aspired to write a book, which, when corrected and enlarged in a second edition, would become worthy of attentive perusal by every young person of either sex, who has been liberally educated; and become a philosophical manual in every college, established in either hemisphere, where the English language is the vernacular tongue of the student."

#### PUBLIC DOCUMENTS.

##### MINT ESTABLISHMENT.

To the Senate and House of Representatives, of the United States.

I communicate, for the information of Congress, the report of the director of the Mint of the operation of that establishment during the last year.

JAMES MADISON.

Jan. 6, 1817.

##### *Mint of the United States, Jan. 7, 1817.*

SIR.—I have now the honor of laying before you a report of the operations of the Mint during the last year.

From the statement of the Treasury herewith transmitted, it will appear, that within the above period, there have been struck and emitted—

In silver coins, 67,153 pieces, amounting to 28,575 dollars and 75 cents; and in copper coins, 2,820,982 pieces, amounting to 28,209 dollars and 82 cents.

The amount of the latter would have been considerably greater, had it not been for a disappointment in the supply of copper. Measures, however, are now taken to prevent such disappointments in future.

The stagnation which has for some time existed in the circulation of specie currency, has almost totally prevented the deposits of gold and silver bullion for coinage. But there is now a prospect that this will not long continue to be the case—the Mint having at this time in its vaults deposits of these metals to a very considerable amount.

The repairs of the Mint, which you were pleased to authorize, are now nearly completed. A substantial brick building has been erected on the site formerly occupied by an old wooden building; and in the apparatus and arrangement of machinery, which have been adopted, many important improvements have been introduced. Among these is the substitution of a steam engine for the horse power heretofore employed. A change which, it is believed, will not only diminish the expenses of the establishment, but greatly facilitate all its principal operations.

I have the honor to be, sir,

With the greatest respect and esteem,  
Your most obedient servant,  
R. PATTERSON.

James Madison,  
President of the United States.

*A statement of the Coins struck at the Mint of the United States, from the 1st of January to the 31st of December, 1816, inclusive, viz :*

Silver Coins,	half dollars,	47,150
	quarter dollars,	20,003
<hr/>		
Copper Coins,		2,820,982
<hr/>		
Number of pieces,		2,888,135
<hr/>		
Half dollars,	2	28,575 75
Quarter dollars, 3		28,209 82
Cents,		
<hr/>		
Total amount in dollars,		56,785 57

*An abstract of the ordinary expenses of the Mint of the United States, from the 1st of January to the 31st of December, 1816, inclusive, viz :*

Amount paid in salaries of the officers	and clerks,	9,600 00
Ditto	wages of laborers,	3,711 08
Ditto	incidental & contingent	
	expenses & repairs,	4,930 92
<hr/>		
		18,242 00

*Mint of the United States,  
Treasurer's Office,  
Philadelphia, Dec. 31, 1816.*

JAMES RUSH.

## BANK OF THE UNITED STATES.

*Report of the committee on the national currency, instructed by a resolution of the House of Representatives to inquire whether the president and directors of the bank of the United States have adopted any arrangement by which the specie part of the second instalment can be evaded or postponed.*

The committee on the national currency, to whom was referred the resolution of the House, directing them to inquire "whether the president and directors of the bank of the United States have adopted any arrangement by which the specie portion of the second instalment can be evaded or postponed, and, if such arrangement has been made, the expediency of adopting some regulation by which the payment of the specie portion of the second instalment may be enforced at the time required by the act of incorporation, or within a limited time thereafter."

**REPORT**—That they have availed themselves of the opportunity of obtaining the information required by the House, through the honorable James Lloyd, one of the directors of the national bank, now in this city. In answer to their inquiries, the committee received from him the letter which accompanies this report; and, on mature examination of the facts disclosed by it, they are of the opinion that the bank, in adopting the arrangement, were actuated by a sincere desire to effect the great objects for which it was instituted, as well as a regard to its own immediate interest. The committee are unanimously of opinion that it would be inexpedient to adopt any regulation; and, therefore, report the following resolution :

*Resolved*, That the committee on the national currency be discharged from further proceeding on the above recited resolution.

Committee Room, Jan. 9, 1817.

DEAR SIR.—The committee on the national currency have, by the vote of the House, been directed to inquire "whether the president and directors of the bank of the United States have adopted any arrangement by which the specie part of the second instalment can be evaded or postponed;" and I have been directed by the committee to request you, as one of the directors of that institution, to inform them whether any such arrangement has been adopted; and, if any, of what character. Should there be any such arrangement, the committee would be gratified in knowing the object and reasons of the bank in adopting it; and, in making this request, they wish it to be distinctly understood that they do not consider it any part of their duty to inquire into the expediency of the arrangement, provided it be within the limits of the chartered powers of the bank.

With sentiments of esteem, &c.

J. C. CALHOUN.

Hon. James Lloyd.

Washington, Jan. 9, 1817.

SIR.—I have the honor to acknowledge the receipt of a note from you of this date, as chairman of the committee on the national currency, informing me that the committee have, by a vote of the House of Representatives of the United States, been instructed to inquire "whether the president and directors of the bank of the United States have adopted any arrangement by which the specie part of the second instalment can be evaded or postponed," and requesting of me, as one of the directors of that institution, to inform

the committee whether any such arrangement has been adopted, and, if any, of what character?

With that readiness, springing from the high degree of respect to which every branch of the national government is entitled, and which it cannot fail to command, I proceed, sir, respectfully to comply with your request; first premising that I have neither authority nor instruction, nor indeed any intimation on the subject from the directors of the bank; and although I have had the honor to be a member of the board, it may now be uncertain whether I am or not still in the direction; the result of the recent election not being yet known, and no wish having been expressed by me for the continuance of that confidence with which I had been honored on a former occasion.

The committee, therefore, will be pleased to consider the remarks which may follow, as having no other weight than may be derived from their coming from an individual, whose situation perhaps enabled him to form a judgment on grounds not so open for observation to the public at large as to himself.

It has been the earnest desire of the directors of the bank of the United States so to conduct the preliminary measures and organization of that institution as to ensure, as speedily as possible, the accomplishment of some of the great ends of its establishment; and among them pre-eminently that of aiding in restoring the currency of the United States to a specie medium: in this desire the direction has always been unanimous, and a single dissension on this head has not, to my knowledge, existed among its members.

One of the earliest measures of the bank has been to send an agent to Europe for the purpose of purchasing and importing into the United States an amount of specie, which, when received, cannot fail to have a very favorable effect on the money circulation of the country. In this measure and object several of the State banks have united; and from the respectability of the agent selected for this purpose, and the means and powers with which he is invested, there appears to be no reasonable ground for apprehension of a failure in his accomplishing the object of his mission.

Prior to my leaving Philadelphia (Dec. 31) no discount had been made by the bank or any of its branches. A resolution had been adopted by the board of directors, on the 18th of December, of the following tenor, to wit:

"*Resolved*, That on the 31st instant the board will proceed to discount notes or bills not having more than sixty days to run, and made payable to the bank of the United States, secured by a deposit of an equal amount of the stock of this bank, or an equal amount of public debt, at ninety per cent. on the par value thereof, with power to sell and transfer the said stock or debt, in default of payment, when due, of the notes which may be discounted as aforesaid; and that the respective boards of directors of the offices of discount and deposit at Boston, New-York, and Baltimore, be authorized to discount in like manner, upon the same terms and conditions, and to an extent not exceeding one tenth of the amount of the subscription to the capital of the bank, at their respective places."

This resolution was subsequently modified on the last day of my being at the board prior to my leaving Philadelphia, and, among the alterations, on two points named by myself, the one was that the notes on which discounts might be made,

should be payable at maturity in specie, or bills of the bank of the United States; and the other, that no stockholder should be entitled to a discount under the resolution unless he paid into the bank the stock proportion of the second instalment due on his shares. I believe also that the resolution was so modified as to make it apply to the subscribers to the bank; but I do not recollect that there was any preventive provision which would deprive a stockholder, who had previously paid in the specie part of his instalment, from availing himself of a discount under the resolution—I think no such restriction existed.

As the resolution of the 18th December was modified, and as I do not find among my papers a copy of it when amended, and as I was much occupied at the time in preparing to leave the city, I cannot be so precise as I should wish to be in the communication I have now the honor to make to the committee; for the same reasons I cannot trust myself to detail the motives which induced the passing the resolution as it was ultimately adopted, lest I should be guilty of an injustice to the views of the gentlemen with whom I had been called to act, by giving an opening to any unfavorable imputation, to which they could alone be exposed by the inaccurate medium through which their sentiments would in that case pass. In compliance, however, with what I understand to be the wish of the committee, I will, with their permission, briefly state my own impressions on the subject.

It has been, and still is my most earnest desire, in common with that of the other directors, to carry this bank into the most speedy and extensively useful operation that its provisions will admit, and, as one mean of doing this, to fortify it by the accumulation of specie in its vaults by every fair method in its power to adopt. Under these dispositions it was repugnant to my wishes to have any arrangement made which might carry with it to the public the appearance of a contrary intention on the part of the direction, while I know that no such disposition exists in it; still, as the national objects of our pursuit must always be limited by the means of attainment at our command, candor did elsewhere, and still does compel me to state, that if the resolution of the 18th December, or its modification, does not violate the provisions of the charter or law establishing the bank, (which I hope presently to show that it does not) the effects of it are calculated to promote the interests of the public, uphold the credit of the bank, and to carry into effect the beneficial views of the government in its establishment, more promptly than could be done without the adoption of that resolution.

It is evident that the usefulness of the bank must be dependent on the means in its possession to carry its operations to an extent, in some degree, commensurate with the public expectations. These means are at present exclusively confined to its own capital. The government can, and will give to it eventually a permanent power and influence, through its deposits, and the collection of its revenue, over all the other monied institutions in the country; but these are golden advantages only for the future—at present they do not exist. The bank has not been in a state to receive deposits from individuals, and if it had been, individuals would not make such deposits in specie for general use; and the government has not the funds to place in it, except in a depreciated State

bank paper, which the bank of the United States could only re-issue to the order of government without benefit, or be obliged to replace at a heavy loss, by its own paper, which never can be other than the representative of the precious metals, at the rates which make them the only lawful currency of the country.

Thus situated, and divested of external aid, attention was naturally turned to the receipt of the second instalment, as the principal means of strengthening the resources of the bank, when it was perceived that, from the unfortunate state of the money market, and the deranged bank circulations of the country, and the light penalty incurred by an omission duly to make the second instalment, instead of inducements being offered for punctuality, a premium was, in fact, proffered to delinquents.

By the provisions of the charter, the only penalty attaching to a non-payment of the second instalment, prior to the declaration of the first dividend, is the forfeiture of that dividend, which must, of necessity, from the heavy expenses of the institution and the circumstances in which it has been placed at its commencement, be an extremely small one, perhaps not exceeding (if the intervening charges are deducted, as they ought to be,) two per cent. on the first instalment, thus leaving, if specie maintained the rate it was at in Philadelphia at the time the resolution passed, of 8 per cent. advance, (and if any excitement had been produced, by a large increased demand, it would have risen to 10 or 12 per cent.) and it should also fall to its par value in July, as it must do, if the banks then resume their specie payments, a gain to the stockholder who refused to meet the payment of the instalment, of at least 33 1/3 per cent. on the amount of the dividend more than would be received by him who honorably paid it.

Thus circumstanced, if it were practicable to offer an inducement or facility for the payment of this instalment, without an infringement of statutory provisions, it would seem to have been desirable to do it.

A large part of the stock is, undoubtedly, in the hands of real capitalists, who have embarked their funds in the institution, and intend to share its fate; but it ought not to be concealed that some part of the stock, and that not a small one, is in the possession of those who very fairly mean to make an advantageous use of the confidence they reposed in the good faith and resources of the country, over that manifested by others of their fellow citizens. But, whether the stock be held by the one class or the other, experience has verified to the conviction of most persons who have had occasion to remark it, that any very strong reliance upon the constructive obligations of monied men, in opposition to their pecuniary interest, and in the absence of any special agreement on their part, would form a most fragile dependence for a great banking institution to bottom its operations upon.

If I have succeeded at all in my object, sir, it will then be perceived—first, that it was important to secure to the bank the receipt of the second instalment of its capital; and next, that the bank possessed no effectual means to enforce that payment in opposition to the wishes of the stockholders. The question then fairly arises, have the directors of the bank adopted any measures violating the provisions of the act of incorporation, by creating that inducement?

The bank undoubtedly is authorized to conduct its business on accustomed or usual banking principles. No restrictions exist in the law restraining the commencing discounts to an appointed day. This part of the operations of the bank rested, therefore, in the discretion of the directors.

Nearly, if not all the banks in the United States, it is believed, begin their discounts on the payment of the first instalment; it was done by the former United States' bank. The present bank has received some months past this instalment, amounting to 30 per cent. of its capital, exclusive of that portion belonging to the government, and by the resolution before referred to, it has authorized discounts to the extent of ten per cent. on its individual subscriptions. This would seem to be fully within the authorized powers of the bank, and if the resolution does not, as I presume it does not, interdict a stockholder who had before paid his instalment from obtaining a discount, the proceeds of that discount may be applied to any object to which he may choose to appropriate it: here then is no violation of the charter. It is true stockholders may and will obtain discounts, and with the funds procured from such discounts pay their instalments; but the question then recurs, if the provisions of the law have not been violated, will the bank be benefited or injured by the measure that has been adopted; a consideration perhaps more directly applying to the stockholders on the one part, and the directors on the other; but, for the reasons before stated, I both hope and believe that the interest of the bank and public will alike be promoted by the course that has been pursued, from the effect which it will produce, in securing possession to the bank of a part of its capital, which it could not otherwise so speedily have commanded.

Permit me, sir, before closing this very hasty letter, written on the spur of the occasion, without preparation, and with scarcely a single minute to refer to, or even the law establishing the bank before me, to solicit your indulgence for any deficiencies it may exhibit, and also to allow me to express my full confidence that, while the directors of the bank ought to feel grateful for the wakeful vigilance that is manifested towards them, they would derive great satisfaction from submitting all their proceedings to the inspection of any agent or committee who might be appointed for that purpose by the honorable House to which you belong; as they would be desirous of an opportunity to prove that they have at least endeavored to merit that countenance and patronage which they are sure of receiving, when merited, from the national legislature; and on which, crippled and environed as the institution must be in its outset, with difficulties arising from the perplexed state of the different local currencies of the United States, the directors have calculated, as affording to them the surest basis, to sustain the bank in the due estimation and confidence of the public, and to ensure to it that degree of usefulness to which the interest of the government, the magnitude of its capital, and the important duties it has to fulfil, so justly entitle it.

With sentiments of great respect,  
I have the honor to be, sir,  
Your obedient servant,  
**JAMES LLOYD.**

To the honorable Mr. Calhoun, Chairman  
of the Committee on the National Currency.

### INDIAN TREATY.

*James Madison, President of the United States of America,*

To all and singular to whom these presents shall come, greeting:

Whereas a treaty between the United States of America and the Wea and Kickapoo tribes of Indians was concluded and signed at Fort Harrison on the 4th day of June, 1816, by commissioners on the part of the said States, and certain chiefs and head men of the said tribe or nation of Indians, in behalf and on the part of the said nation or tribe; which treaty is in the words following, to wit:

A treaty between the United States of America and the Wea and Kickapoo tribes of Indians. Articles of a treaty made and entered into at Fort Harrison, in the Indiana Territory, between Benjamin Parke, specially authorized thereto by the President of the United States, of the one part, and the tribes of Indians called the Weas and Kickapoos, by their chiefs and head men, of the other part.

Art. 1. The Weas and Kickapoos again acknowledge themselves in peace and friendship with the United States.

Art. 2. The said tribes acknowledge the validity of, and declare their determination to adhere to, the treaty of Greenville, made in the year seventeen hundred and ninety-five, and all subsequent treaties which they have respectively made with the United States.

Art. 3. The boundary line, surveyed and marked by the United States, of the land on the Wabash and White rivers, ceded in the year eighteen hundred and nine, the said tribes do hereby explicitly recognize and confirm, as having been executed conformably to the several treaties they have made with the United States.

Art. 4. The chiefs and warriors of the said tribe of the Kickapoos acknowledge that they have ceded to the United States all that tract of country which lies between the aforesaid boundary line on the north-west side of the Wabash, the Vermillion river, and a line to be drawn from the north-west corner of the said boundary line, so as to strike the Vermillion river twenty miles in a direct line from its mouth, according to the terms and conditions of the treaty they made with the United States on the ninth day of December, in the year eighteen hundred and nine.

In testimony whereof, the said Benjamin Parke, and the chiefs and head men of the said tribes, have hereunto set their hands and affixed their seals, at Fort Harrison, in the Indiana Territory, the fourth day of June, in the year of our Lord one thousand eight hundred and sixteen.

B. Park,

WEAS.

Mosaapeckaunga, or Gamlan, his x mark,	L. S.
Jacco, his x mark,	L. S.
Kesanguekamy, or Buffalo, his x mark,	L. S.
Chequihu, or Little Eyes, his x mark,	L. S.
Mahquakouonga, or Negro Legs, his x mark,	L. S.
Pequaiah, or George, his x mark,	L. S.
Kenokosetah, or Long Body, his x mark,	L. S.
Owl, (a Miami) his x mark,	L. S.
Nahechekeleatah, or Big Man, (a Miami) his x mark,	L. S.

KICKAPOOS.

Sheshepah, or Little Duck, his x mark,	L. S.
Kaanehkaka, or Drunkard's Son, his x mark,	L. S.

Shekenah, or Stone, his x mark,      L. S.  
 Mahquah, or Bear, his x mark,      L. S.  
 Panashee, or Little Turkey, his x mark,      L. S.  
 Mehtafikoakeh, or Big Tree, his x mark,      L. S.  
 Mauquakoniai, or Big Tree, his x mark,      L. S.  
 Reetainey, or Little Otter, his x mark,      L. S.  
 Nepisecah, or Blackberry, his x mark,      L. S.  
 Pebsquohatah, or Blackberry Flower, his x mark,      L. S.  
 Tecumtehna, or Track in Prairie, his x mark,      L. S.  
 Done in the presence of      L. S.  
 John L. McCullough, secretary to the commissioner.  
 John T. Chunn, major, commanding Fort Harrison,  
 Gab. J. Floyd, lieut. U. S. army.  
 Th. McCall, of Vincennes.  
 Henry Gilham, do.  
 N. B. Bailey, do.  
 Gen. C. Copp.  
 Richard Brouillet, interpreter at Fort Harrison.  
 Joseph Barron, sworn interpreter.

Now, therefore, be it known, that I, James Madison, President of the United States of America, having seen and considered the said treaty, have, by and with the advice and consent of the Senate, accepted, ratified and confirmed the same, and every clause and article thereof.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, and have signed the same with my hand. Done in the city of Washington, this 30th day of December, 1816, and of the Independence of the United States the forty-first.

JAMES MADISON.

By the President:

JAMES MONROE, Secretary of State.

#### INDIAN TREATY.

*James Madison, President of the United States of America,*

To all who shall see these presents, greeting:

Whereas a treaty of peace, friendship, and limits, was made and concluded between the United States and the United Tribes of Ottawas, Chippewas, and Potowatomies, residing on the Illinois and Melwaukee rivers, and their waters, and on the south-western parts of Lake Michigan, at St. Louis, in the Missouri Territory, by commissioners on the part of the said States, and by their chiefs and warriors on the said tribes or nation of Indians, which treaty is in the words following, to wit:

A treaty of peace, friendship and limits, made and concluded between Ninian Edwards, William Clark, and Auguste Chouteau, commissioners plenipotentiary of the United States of America, on the part and behalf of said States, of the one part, and the chiefs and warriors of the United Tribes of Ottawas, Chippewas and Pottowatomies, residing on the Illinois and Melwaukee rivers, and their waters, and on the south-western parts of Lake Michigan, of the other part.

Whereas a serious dispute has for some time past existed between the contracting parties, relative to the right to a part of the lands ceded to the United States by the tribes of Sac and Foxes, on the third day of November, one thousand eight hundred and four, and both parties being desirous of preserving a harmonious and friendly intercourse, and of establishing permanent peace and

friendship, have, for the purpose of removing all difficulties, agreed to the following terms:

Art. 1. The said chiefs and warriors, for themselves and the tribes they represent, agree to relinquish, and hereby do relinquish, to the United States all their right, claim and title, to all the land contained in the beforementioned cession of the Sac and Foxes, which lies south of a due west line from the southern extremity of Lake Michigan to the Mississippi river. And they moreover cede to the United States all the land contained within the following bounds, to wit: beginning on the left bank of the Fox river of Illinois, ten miles above the mouth of said Fox river; thence running so as to cross Sandy creek, ten miles above its mouth; thence in a direct line to a point ten miles north of the west end of the portage, between Chicago creek, which empties into Lake Michigan, and the river Deplaines, a fork of the Illinois; thence in a direct line to a point on Lake Michigan, ten miles northward of the mouth of Chicago creek; thence along the Lake to a point ten miles southward of the mouth of the said Chicago creek; thence in a direct line to a point on the Kankakee, ten miles above its mouth; thence, with the said Kankakee and the Illinois river, to the mouth of Fox river, and thence to the beginning: Provided, nevertheless, that the said tribes shall be permitted to hunt and to fish within the limits of the land hereby relinquished and ceded, so long as it may continue to be the property of the United States.

Art. 2. In consideration of the aforesaid relinquishment and cession, the United States have this day delivered to said tribes a considerable quantity of merchandise, and do agree to pay them, annually, for the term of twelve years, goods to the value of one thousand dollars, reckoning that value at the first cost of the goods in the city or place in which they shall be purchased, without any charge for transportation: which said goods shall be delivered to the said tribes at some place on the Illinois river, not lower down than Peoria. And the said United States do moreover agree to relinquish to the tribes all the land contained in the aforesaid cession of the Sac and Foxes, which lies north of a due west line from the southern extremity of Lake Michigan to the Mississippi river, except three leagues square at the mouth of the Ouisconsin river, including both banks, and such other tracts on or near to the Ouisconsin and Mississippi rivers as the President of the United States may think proper to reserve: Provided, that such other tracts shall not, in the whole, exceed the quantity that would be contained in five leagues square.

Art. 3. The contracting parties, that peace and friendship may be permanent, promise that, in all things whatever, they will act with justice and correctness towards each other, and that they will, with perfect good faith, fulfil all the obligations imposed upon them by former treaties.

In witness whereof, the said Ninian Edwards, William Clark, and Auguste Chouteau, commissioners aforesaid, and the chiefs and warriors of the aforesaid tribes, have hereunto subscribed their names and affixed their seals, this twenty-fourth day of August, one thousand eight hundred and sixteen, and of the Independence of the United States the forty-first.

Ninian Edwards,  
 Wm. Clark.

L. S.  
 L. S.



time for the examination of it, it was postponed to Monday.

The bills from the House of Representatives, supplementary to the act regulating the duties on imports and tonnage, and for the discharging of Nathaniel Tait from his imprisonment, were read a third time and severally passed.

*The Public Offices.*—The bill to create a new executive (home) department, was taken up.

Mr. Tait having called on the committee who reported this bill for some explanation of their views in favour of this measure—

Mr. Sanford briefly adverted to the growth of the country, the increase of population, and consequently of business in the various public offices.

Mr. King commenced by stating the fact, that in the original organization of the government, it had been made a question whether a home department was necessary; and that, after the most mature consideration, it had been decided to be inexpedient; there had been since a considerable increase in the business and population of the country. But was it certain, he asked, that a numerical increase carried along with it any thing like a necessity for multiplying departments for managing the public affairs? Supposing any department, the treasury for instance, to have full occupation, would the creation of two heads to it expedite the public business, or afford any security that it would be better done? As to the correspondence with the governors of States, when general Washington was President the governors corresponded directly with him; and why? because they hold an important portion of the sovereign power. As to the correspondence with the territorial officers, he said, that was no distressing labour, being little more than a matter of form, attended to, except the mere signature of the secretary, by the clerks in the office. As to the treaties with the Indian tribes, he thought it as well to leave that concern where it was; and as to the trade with them, he hardly knew what it was. Relative to the concerns of the District of Columbia, he did not conceive a department necessary for their management, and still less for the management of the patent office, to which, as at present, a simple clerk was fully competent.

On the suggestion of Mr. Tait, and on motion of Mr. King, the further consideration of the bill was postponed to Wednesday next.

The house then proceeded to the consideration of the bill respecting the office of the attorney general.

Mr. Macon moved to strike out the first and second sections of the bill; the first allowing the attorney general an apartment in the public buildings (or office rent in lieu thereof) and expenses of fire, &c. the second allowing him a clerk.

Mr. Mason, of N. H. condemned both these provisions as unnecessary, and as going indirectly to increase the salary of the attorney general.

Mr. Barbour opposed the second, because he said, he was yet to learn the necessity of a clerk to the attorney general. In favour of the first section, he said that that officer's being constrained to resort to his own means for office room, was an exception to the principle which prevailed in regard to every other important office of the United States. So far from considering his compensation too great, he would, if it should appear necessary, increase the compensation of that officer, which was small relatively to the salaries of the other officers of the government.

The question on striking out the first section, respecting office rent, was decided in the negative, ayes 11.

The question on striking out the second section (allowing a clerk) was carried by a vote of 16 to 12.

The bill as amended, was ordered to be engrossed for a third reading.

The Senate then proceeded to consider the bill to provide for the prompt settlement of the public accounts; the consideration of which was, on motion of Mr. Macon, postponed to Monday.

*Monday, Jan. 13.*—The engrossed bill respecting the office of attorney general, was read the third time, passed, and sent to the other house.

The report of a select committee, on the petition of Robert Kidd, praying a remission of penalties on certain British merchandise imported after the declaration of war, and by him purchased and bonded at the custom house; recommending that the prayer of the petitioner be rejected.

Mr. Mason, of N. H. moved to reverse the recommendation, and supported his view of the subject at considerable length. The report of the committee was supported by Messrs. Brown and Roberts, and finally concurred in.

The motion offered by Mr. Noble, on the 10th, respecting compensation to Peter Winchel, Thomas Bell, and John Harman, formerly mounted rangers, was taken up and agreed to.

Mr. Williams' motion submitted on the 10th, to appoint a committee to inquire into the expediency of purchasing copies of the late edition of the acts of Congress, and of furnishing one copy to each county in the United States, was also considered and agreed to.

Mr. Morrow's report respecting authorizing an exchange of lands with the Indians, was postponed till to-morrow.

Mr. Fromentin presented a petition of the legislature of the Mississippi Territory, praying admission into the Union as an independent State, without division. Referred.

The bill authorizing the sale of certain grounds belonging to the United States, in the city of Washington, was taken up, and after being, on motion of Mr. Daggett, amended so as to direct that the moneys arising from the said sales to be appropriated to the reimbursement of any moneys expended for the public buildings and public improvements in the city of Washington; the bill was ordered to be engrossed for a third reading.

The bill partially to reorganize the departments and providing for the prompt settlement of public accounts, was taken up, when Mr. Macon having offered an amendment in the distribution of duties to the auditors, &c. the amendment was ordered to be printed, and, with the bill, postponed to tomorrow.

Mr. Barbour obtained leave and submitted the following resolution, which was read, and passed to the second reading:

*Resolved by the Senate and House of Representatives, &c.* That the President of the United States be, and he is hereby authorized to employ John Trumbull, of Connecticut, to compose and execute a painting commemorative of the declaration of independence, to be placed, when finished, in the capitol of the United States.

Mr. Barbour also laid on the table a resolution directing the secretary of war to procure copies of the existing militia laws of the different States, as well as correct reports of the number and or-

ganization of their militia; to be laid before the Senate at their next session.

*Tuesday, Jan. 14.*—The Senate were occupied on the proposition to pass a law making an appropriation for enabling the executive to make an exchange of land with certain Indian tribes.

*Wednesday, Jan. 15.*—The President laid before the Senate a letter from the acting secretary of war, communicating a list of clerks in that department, with their respective salaries.

The bill from the House of Representatives, making a partial appropriation for the military service for the year 1817, was read and referred to the committee of finance.

Mr. Barbour's resolution to authorize the President of the United States to employ Col. Trumbull to design and execute a painting commemorative of the Declaration of Independence, was taken up; and,

On motion of Mr. Goldsborough, the resolution was referred to a select committee, consisting of Messrs. Barbour, Goldsborough, and King, with instructions to confer with Col. Trumbull, for the purpose of selecting two other scenes of the revolution, as the subjects of two other paintings, to be by him executed.

The report of the military committee, to whom was referred an inquiry into the subject, declaring it inexpedient to increase the pay of, and give rank to battalion and regimental paymasters, was taken up.

Mr. Lacock, the mover of the inquiry, opposed the report, and advocated at some length the justice of increasing the pay of regimental paymasters, whose duties and labor have been much increased by the late arrangements of the quartermaster's department, whose duties have been in a great measure transferred to the paymasters; and who are also deprived of any rank in the army, &c.

Mr. Williams defended the report, and submitted facts to show that the paymasters were much better paid now than formerly, and much better indeed than any other part of the army.

The report was then concurred in by a large majority.

The engrossed bill, authorizing the sale of certain grounds belonging to the United States, in the city of Washington, was read the third time; and, after being amended, on motion of Mr. Daggett, by unanimous consent, so as to appropriate the proceeds of the sales to defray expenses for public improvements, *hereafter incurred*—the bill passed, and was sent to the other House.

The engrossed bill for the relief of Wm. Edwards was read the third time, passed, and sent to the other House.

The concurrence of the Senate, this day, in the report of the military committee adverse to the expediency of appointing additional agents for the payment of pensions, was reconsidered.

Mr. Lacock offered several considerations, from inconveniences suffered by pensioners in different parts of the United States, particularly the western country, from the want of additional agents, &c. to show the necessity of increasing the number of those agents, and concluded by moving that the report be reversed so as to declare it expedient to increase the number of agents for paying pensions.

After some remarks from Messrs. Sanford, Macon, and Troup, to show that the inconveniences stated ought to be removed by other measures than an increase of the agents, and a few obser-

vations, explanatory, by Mr. Roberts, and in opposition to the measure by Mr. Hardin—the report was, on motion of Mr. Roberts, postponed to Monday.

The bill from the other house, for the relief of Wm. Haslett, was read the third time, and passed, with an amendment.

The bill from the other house to amend the act of 1798, authorizing certain officers to administer oaths, was read and passed to a second reading.

The bill to establish a new executive (home) department, and for other purposes, was, on motion of Mr. Sanford, postponed till to-morrow.

#### HOUSE OF REPRESENTATIVES.

*Thursday, Jan. 9.*—Mr. Robertson, from the committee on the public lands, reported a bill making provision for locating the lands reserved by the first article of the treaty of August, 1814, between the United States and the Creek nation, to certain chiefs and warriors of that nation, and for other purposes; which bill was twice read and referred.

Mr. Lowndes, from the committee of ways and means, reported a bill, making a partial appropriation for the subsistence of the army during the year 1817; which was twice read and committed.

The Speaker laid before the house a letter from the Secretary of the Treasury, pursuant to a resolution of the house, transmitting a statement of the final settlement and loan office certificates, issued by the authority of the continental congress; the Speaker laid before the house, also, a letter from the Secretary of the Navy, transmitting the annual list of clerks employed in the Navy Department during the year 1816, with the salary allowed to each; which communications were laid on the table, and the first ordered to be printed.

Mr. Cannon called up the resolution submitted by him, to inquire into the expediency of laying off a separate surveyor's district in the Mississippi Territory, adjoining the southern boundary of Tennessee, and including the late purchases made from the Cherokee and Chickasaw Indians, and to provide for the appointment of a principal surveyor for said district: also a register and receiver of public moneys, and to make such further provision as may be necessary to have the lands within the same, to which the Indian title has been extinguished, surveyed and offered for sale as soon as practicable.

On motion of Mr. King, the committee on the judiciary were instructed to inquire into the expediency of providing by law for holding annually two terms of the circuit court of the United States within the District of Maine.

Mr. Pickens announced to the house, his intention again to call up his motion to amend the constitution, as soon as the unfinished business (the claims law) before the house, should be disposed of.

On motion of Mr. M'Lean, the committee on the post office and post roads were instructed to inquire into the expediency of establishing a post route from Russellville, in Kentucky, to Hopkinsville, by Elkton and Ervingsville; and, on motion of Mr. Hendricks, the same committee were instructed to inquire into the expediency of establishing a post route from Vincennes to fort Harrison, and from Corydon, &c. to intersect the saline road from Vincennes, near Crabb's Ferry, on the Wabash.

On motion of Mr. Thomas Wilson, the committee on pensions and revolutionary claims were

instructed to inquire whether any, and what further provision by law is requisite to enable riding masters of the revolutionary war to receive a bounty in land, equal to that allowed to other officers of the same rank.

The engrossed bill for the relief of Henry Malcolm was read the third time, and passed.

The bill from the senate, to authorize an edition of the laws respecting the public lands, was twice read, and ordered to a third reading to-morrow.

*The claims law, &c.*—The house again took up this subject—Mr. Johnson's substitute for the bill reported by the committee of claims being still under consideration.

Mr. Harrison rose in support of the substitute—he read an amendment which he wished to engrave on Mr. Johnson's substitute; which was, substantially, 1st. That the act should be construed to extend to every house which was destroyed by the order of any officer in the service of the United States, to facilitate the operations of the army, or any detachment thereof, or to impede those of the enemy. 2d. That the 9th section of the act should be construed to extend to every house, whether occupied as a military deposite, or as barracks for soldiers, or as hospital, which, during the late war, was destroyed by the enemy in consequence of such occupation; and to all houses destroyed by the enemy in consequence of a military resistance from or in the neighbourhood of the same: provided that no house should be so included, unless it had been hired under the authority of the government, or was at the time actually used for the purposes mentioned.

Mr. Hardin opposed it, because it contemplated and concurred in retaining the commissioner, whose conduct and ability he remarked on with strong disapprobation.

Mr. Smith, of Md. in a few words suggested to Mr. Harrison the propriety of withdrawing his amendment at present; which

Mr. Harrison coincided in, and accordingly withdrew it.

Mr. Yancey argued in favour of the repeal proposed by the committee of claims, and maintained the capacity of the house, and the promptitude of the committee of claims in acting on claims which have been presented.

The question on agreeing to Mr. Johnson's substitute was then decided in the negative as follows:

YEAS.—Messrs. Adgate, Atherton, Avery, Bassett, Bettis, Breckinridge, Cannon, Comstock, Creighton, Desha, Fletcher, Gaston, Gold, Harrison, Herbert, Huger, Hungerford, Irving, N. Y. Jewett, Johnson, Ky. Kerr, Va. Lewis, Levett, Lyon, McKee, Mills, Murfree, Hugh Nelson, Ormsby, Peters, Robertson, Sharp, Sheffey, Stuart, Tait, Taul, Taylor, N. Y. Wilkin, Thomas Wilson, Wright.—40.

NAYS.—Messrs. Adams, Alexander, Archer, Baer, Baker, Barbour, Bateman, Baylies, Bennett, Birdseye, Blount, Boss, Bradbury, Brooks, Burwell, Cady, Caldwell, Calhoun, Champion, Chappell, Ciley, Clark N. Y. Clark N. C. Clayton, Cleellen, Condict, Crawford, Crocheron, Culpepper, Davenport, Dickens, Edwards, Findley, Forney, Forsyth, Glasgow, Hahn, Hale, Hall, Hammond, Hardin, Hawes, Heister, Henderson, Hendricks, Hooks, Hopkinson, Hubert, Ingham, Jackson, Johnson Va. Kent, King, Langdon, Little, Love, Lyle, Wm. MacLay, Wm. P. MacLay, Marsh, Mason, McCoy, McLean, Miller, Milnor, Moore, Jeremiah Nelson, Thos. M. Nelson, Noyes, Pickens, Pickering, Piper, Pitkin, Pleasant, Powell, Reynolds, Rice, Ronne, Root, Ross, Ruggles, Savage, Schenck, Smith, Pen. Smith, Md. Smith, Va. Southard, Stearns, Strong, Sturges, Taggart, Telfair, Thomas, Townsend, Tyler, Vose, Walnac, Ward, Mass. Ward, N. Y. Ward, N. J. Wendorff, Whiteside, Wilcox, Wilde, Williams, Wm. Wilson, Woodward, Yancey.—108.

So the substitute was rejected.

Mr. Hardin never having thought that the 9th section of the law had, strictly construed, extended

far enough, and wishing to give it a little more latitude, stated that he should hereafter submit an amendment.

Mr. Wright proposed an amendment, substantially, to authorize the President of the United States to appoint two additional commissioners to act conjointly with the present officer, in deciding the claims provided for in the act, instead of referring that duty to the accountant of the war department, &c. as proposed by the bill.

Mr. Smith, of Md. was in favour of the amendment, on the ground that the bill contemplated referring to the war accountants a mass of business which they cannot possibly attend to in addition to their present duties.

Mr. Yancey replied to Mr. Smith respecting the ability of the war accountants to perform the proposed additional duties, which he maintained they were able to do, and that it was more safe to adopt that mode.

Mr. Pickering thought there was already business enough to occupy the war accountant, and opposed the committing to that person, though a very competent man, the duties of a judge, to decide cases amounting perhaps to a million and a half of dollars; and he would therefore prefer a commission of three persons to be appointed by the President of the United States, without saying any thing about the present commissioner, and moved to amend the amendment so as to suit his views.

Mr. Desha, after stating his belief that it would be impossible to carry the amendment offered by Mr. Wright, as he was convinced there was a combination to legislate the commissioner out of office, stated that he should offer an amendment to repeal those sections of the law under which the commissioner was appointed, &c. and in lieu thereof to authorize the appointment of three new commissioners.

Mr. Pickering withdrew his motion; and

Mr. Wright's motion was lost without a division.

Mr. Desha then moved the amendment, which has been substantially stated, and embracing all the initial provisions to carry the main object into effect.

The amendment was supported by Messrs. Robertson, Harrison, Fletcher, Pickering, and Sheffey, on the ground of inability of the accountants of the war office to perform the additional duties enjoined by the act, when they were already so pressed by business as to require a new organization of the department; from an objection to legislate a man out of office, and because, of two courses, neither of which he liked, he disliked the amendment least.

Mr. Desha's amendment was negatived, ayes 69, nays 75.

Mr. Taul then moved to amend the 3d section of the bill by requiring muster rolls properly made out and authenticated to be deemed as sufficient evidence in support of claims, and entered into some explanations to show the necessity of his amendment.

The motion was opposed by Mr. Yancey, and supported by Mr. Fletcher, and was lost without a division.

Mr. Harrison then renewed his motion to amend the bill as before proposed by him and withdrawn; and the question being taken on the first section of the amendment, it was lost—ayes 52, noes 83.

The question then followed on the residue of

the proposed amendment, and after some further support by the mover,

The question thereon was taken, and decided in the negative by large majority.

Mr. W. P. Maclay moved an amendment providing for the exclusion of any testimony being received as evidence, except from citizens or inhabitants of the United States.

After some discussion, in which Mr. Yancey opposed, and the mover supported the amendment, it was decided in the negative without a division.

Mr. Ross moved a verbal amendment in the clause defining the evidence to be required, with a view of making the provision more clear and definite.

The motion was opposed by Mr. Yancey, Mr. Sheffey, and Mr. Ward, of Mass., and advocated by Messrs. Ross, Root, and Desha, and finally negatived by a large majority.

Mr. Cannon moved an amendment, requiring the commissioner to give certificates of his awards to the claimants in all cases adjudicated by him previous to the suspension of the operation of the 9th section of the law.

This motion was opposed by Messrs. Yancey, Forsyth, Hardin, and Johnson, of Ky., and supported by Messrs. Cannon and Taul, and was disagreed to by a large majority.

Mr. Ingham moved to amend the bill by inserting a new section, declaring that the 9th section should not be construed to extend to houses or other buildings occupied by the military forces of the United States, except the same shall have been also occupied by the authority of an officer or agent of the United States, as a place of deposit for munitions of war.

Before the question was taken on this amendment,

The House adjourned.

*Friday, Jan. 10.—*Mr. Hugh Nelson, from the judiciary committee, to whom was referred the resolution respecting the expediency of appointing an additional judge for the district of New-York, made a report against the propriety of such appointment, which was ordered to lie on the table.

Mr. Nelson, from the same committee, made a report on the resolution of the 19th December, to inquire into the expediency of so amending the act of 1812, on the subject of bounty lands, as to authorize a devise of said bounty lands—adverse to the propriety of changing or altering the existing law on the subject.

Mr. Barbour contended the soldier had as good a right as if he had acquired the land with his money, instead of his blood and public services—that at present a soldier could not even devise his bounty land to his wife, because a possible abuse might ensue from giving him the right of willing away the reward bestowed on him by his country, &c.

Mr. Hardin remarked on the necessity which had permitted soldiers to declare their last will by word of mouth, from the difficulty of making written ones, and that, to prevent frauds being practised under this privilege, it was proper to forbid the power of devising their bounty land, &c. That there were many who would fight well, and make good soldiers, yet be so lost to moral honesty as to bear false witness to the dying words of a soldier, and, as had been done, fraudulently deprive a soldier's family of his property, &c.

The report was then reversed, according to Mr.

Barbour's motion, and the judiciary committee instructed to report a bill accordingly.

Mr. Calhoun, from the committee on the national currency, to whom was referred a resolution directing them to inquire whether the directors of the United States' bank have adopted any arrangements by which the specie portion of the second instalment can be evaded or postponed—made a report. (See page 36.)

Mr. Forsyth moved that it lie on the table and be printed. The motion was agreed to.

Mr. Root moved a resolution, that the law of 1798, authorizing certain officers of the government to administer oaths, ought to be so amended as to authorize the chairman of a standing committee of this House also to administer oaths, and that the judiciary committee bring in a bill accordingly; which was agreed to.

The speaker laid before the House an authenticated copy of the constitution of the State of Indiana, which had been officially transmitted to him.

Mr. Cannon laid on the table the following resolution:

*Resolved*, That it is expedient to reduce the army of the United States.

On motion of Mr. Telfair, a select committee were instructed to inquire at large into the claims of detachments of the militia of Georgia ordered out by the governor during the years 1793 and 94, for the defence of its frontiers, in consequence of a discretionary power communicated by the war department.

Mr. Wright moved that the judiciary committee be instructed to inquire into the expediency of removing such part of the library as is composed of law books to some room convenient to Congress. [The library being at present in the building formerly occupied by Congress, some distance from the present hall.]

Some debate ensuing, the resolution, on motion of Mr. Lowndes, was laid on the table, and

The House then, on motion of Mr. Lowndes, went into committee of the whole, on the bill making a partial appropriation (in blank of course) for the subsistence of the army during the year 1817.

The blank was filled up with 400,000 dollars.

Mr. Clay rose, not to object to the bill, but to observe that the great expenditure annually required by the military department, which this year would probably exceed six millions, must have struck every one, and on the necessity there was that the House should be certain that a proper investigation and scrutiny into these expenditures should take place; as he believed there were three committees who might each very properly consider the duty as devolving on them, &c.

Mr. Lowndes stated the course adopted by the committee of ways and means, in acting on the estimates for the military department; the limited power of that committee in controlling those estimates, &c.

Mr. Johnson of Ky. made some remarks, to show that the appropriations heretofore made were necessary for the military service; though the great loss in the destruction of military stores, and at the manufactories of arms, &c. had swelled the expenditures beyond what ought hereafter to exist; and expressing his anxiety for economy in every branch of the government, and his wish to reduce, as soon as practicable, the public burdens, &c.

Mr. Clay still thought the government paid more money and got less military services than any other country in the world, and his object was to know if any proper examination had been made to ascertain whether the extraordinary expenditure of the military department might not be retrenched, &c.

Mr. Randolph expressed his pleasure at hearing in this House the long exploded word economy, and at witnessing the most distant ray of promise of a return to old democratic principles. He referred to his motion at the last session to reduce the army, and its failure, and the resolution he had taken to make, during the remainder of his public life, no further attempt to reform public abuses, &c. He commented on the enormous amount of the civil expenditures of the government, which arose not from exorbitant salaries, (for, he said, many of their officers were absolutely starving) but from the great number of officers, greater than in any other country, under the general and State governments.

Mr. Clay, in reply, said that if he had been alluded to, his opinions had undergone no change, since he had voted on Mr. Randolph's motion at the last session: that he did not yet think the military establishment ought to be destroyed, but that now, as always, he desired to know whether the expenditures were requisite, whether appropriations were necessary and properly applied.

The committee of the whole then rose, and reported the bill as amended, in which the House concurred; and the bill was ordered to be engrossed for a third reading.

Mr. Pickens made an unsuccessful motion to call up his resolution to amend the constitution.

The House then resumed the consideration of the bill to amend the act to make payment for lost property, &c. Mr. Ingham's motion to amend the bill by inserting a new section, declaring that the 9th section should not be construed to extend to houses occupied by the military forces of the United States, except the same shall have been occupied by authority of an officer or agent of the United States, as a place of deposit for munitions of war—being still under consideration.

The question was taken, and the amendment adopted—ayes 81, nays 60.

Mr. Atherton moved an amendment, which was, substantially, that in all cases where the claim exceeded the sum of 200 dollars, the testimony should be taken before a commission for that purpose appointed.

The amendment was received without opposition.

Mr. Wright then, after some introductory remarks, moved to add a new section to the bill, providing that in all cases where destruction of houses by the enemy shall have been consistent with the practice of civilized warfare, the same shall be paid for in the same manner as is provided for by the 9th section of the act of last session.

The question was taken on the amendment and decided in the negative without a division.

Mr. M'Lean then introduced a motion to amend the bill by inserting a provision, that any house or other property destroyed or injured by order of any officer of the army of the United States in the late war, such loss or damage shall be allowed and paid under the provisions of this act; which motion was lost by a large majority.

Mr. Pickens moved to amend the provision au-

thorizing a commission to take evidence, substantially, so as to allow the commission to inquire whether there be any evidence in favor of the United States.

The question was then taken on engrossing the bill for a third reading, and decided in the affirmative by a large majority.

The bill from the Senate to authorize an edition of the land-laws was read a third time and passed.

The following bills from the Senate, viz: the bill to increase the compensation of the register and receiver of public monies at Marietta; the bill making an appropriation for the purchase of books for the library, &c.; the bill to require the directors of the United States' bank to establish an office of discount and deposit in the District of Columbia, were each twice read and committed.

Mr. Pickens then making a motion to postpone the intervening orders of the day to take up his proposition to amend the constitution,

The House adjourned.

*Saturday, Jan. 11.—Mr. T. M. Nelson reported a bill authorizing the commutation of soldiers' bounty land.*

Mr. Brooks, from the committee on the subject, made a report, accompanied with a bill to amend the act granting bounties of land and extra pay to certain Canadian volunteers, passed at the last session.

These bills were twice read and referred to a committee of the whole.

Mr. Hammond of N. Y. offered for consideration the following resolution:

*Resolved*, That the Secretary of War be directed to state to the house the number of the officers and privates belonging to the several corps of the artillery, (including the light artillery) infantry, and riflemen now in the service of the United States.

After some conversation the resolution was so modified by the mover as to 'direct the secretary of war to communicate to the House the number of officers and privates composing the whole military establishment in the service of the United States, particularizing the strength of each corps and regiment,' and in that form agreed to.

Mr. Jackson, of Va. moved the following resolution:

*Resolved*, That the committee on roads and canals be instructed to inquire into the expediency of providing by law for making an artificial road from Washington, in Pennsylvania, through Clarkstown, on the Ohio river, to the river Sandusky, at or near fort Stephenson.

*Resolved*, That the same committee be further instructed to inquire into the expediency of appropriating that part of the net proceeds of monies arising from the sale of land in the State of Indiana, which by compact with that State is set apart for opening roads, to making an artificial road from Winchester, in Virginia, to the Ohio river, at or near the mouth of Muskingum river, and from thence, by or near Chillicothe, on the Scioto river, to the said State of Indiana.

The resolutions were agreed to.

Mr. Pickens submitted for consideration the following resolution:

*Resolved*, That the committee on roads and canals be instructed to inquire into the expediency of providing by law for the making of surveys and levels for several of the most practicable points of communication, between the Tennessee river

and those of Coosa and Tombigbee rivers, and of the shoals and falls of the two last mentioned rivers.

Mr. Pickens made a few remarks in support of his motion.

Mr. Randolph suggested that all the favour of gentlemen of the House appeared to be directed to the new countries, in neglect of the old States. In regard to the part of North Carolina which the gentleman represented, and the adjoining territory of Virginia, there was no part of the country that had experienced less of the sunshine of government than they had. But the fact was, they had asked nothing of the government; they were in the habit of living on their own means, not of quartering themselves on the nation, on the public, or on the parish. No district in the United States, he said, stood so much in the relation of a step-child, as the country represented by himself and the honourable gentleman. But, with regard to the navigation of the Tombigbee—were the old United States about to act the part of king Lear, in the tragedy? What was to become then of the navigation of the waters of the Chesapeake, and contiguous waters, and of the navigation of the Catawba and the Yadkin? &c.

Mr. Harrison said, the gentleman from Virginia was mistaken, if he supposed that the money from which the expense of making the Cumberland road was defrayed, was taken from the treasury, to the prejudice of the right of other States. No; the application of a certain part of the proceeds of the sales of public lands to that road, was the result of a fair compromise, by which, in fact, the State of Ohio had sold its inheritance to the United States for a mess of pottage, as every new western State did. The State of Indiana, he said, had sacrificed an annuity of two or three hundred thousand dollars a year for a gross sum of fifteen thousand dollars, by sacrificing the right to tax the lands of the United States.

Mr. Yancey said he was a member of the committee to whom this subject was proposed to be referred; that the committee should make a general report on internal improvement, and that no particular object should be presented for consideration of the House, as it would be improper to take up any one improvement distinct from a general system.

Mr. Pickens, therefore, consented that his motion should lie on the table.

Mr. T. Wilson, in regard to the intimation that nothing had been done for North Carolina and Virginia by the general government, in the way of internal improvement, asked what had been done for any other? Nothing at all, he said: so that the complaint of gentlemen on that score was without any just grounds.

Mr. Randolph said, that as an individual, he had rather there should not be an acre of public land sold in thirty years, on account of the effect of these sales to drain the old States of their population and wealth, &c.

The resolution was laid on the table.

Mr. Johnson, from the military committee, reported a bill to amend the act making further provision for military services during the late war, and for other purposes; which was read and committed.

The engrossed bill making a partial appropriation for the support of the military establishment of the United States, was read a third time, passed, and sent to the Senate.

The engrossed bill to amend the act authorizing payment for property lost, captured, or destroyed in the military service of the United States, was read a third time; and, after some observations by Mr. Wright on its details, to which Mr. Yancey replied, the bill was passed and sent to the Senate for concurrence.

The House then, on motion of Mr. Condict, proceeded to the consideration of the engrossed bill, lying on the table, supplementary to the act for the encouragement of vaccination.

Mr. Jackson, of Virginia, decidedly opposed the bill on the ground of its unconstitutionality, since no part of the constitution expressly authorized the grant, and no such power could be inferred from the general clause of the constitution.

Mr. Condict and Mr. Wright replied to this objection, the first inferring the constitutional authority for the act from its connection with the army and navy; and the latter from the charge of the general welfare given to Congress, to which this measure certainly would contribute.

The question on the passage of the bill was then decided as follows:

For the passage of the bill,

57

Against it,

88

On motion of Mr. Taylor, of N. Y. the orders of the day were postponed, in order to take up the further report of the committee of elections on the contested election of Mr. Scott, delegate from Missouri. In committee of the whole, Mr. Condict in the chair.

The doctrine was again advanced by Mr. Randolph, that delegates were rather diplomatic than legislative characters, being accredited to Congress and having a right to sit in either house; and consequently, this house had nothing to do but to see that they brought with them a certificate, from the proper authority, of their election.

To which, after argumentatively replying, Mr. Clay, by way of adjusting the present difficulty, humorously suggested to the gentleman, that as there were two persons claiming to represent the Territory as delegates, one having a seat here, and the other a just claim to it, and the House having, it seemed, no right to determine between them, as they had a right, as the gentleman contended, to sit in either House, that one should be admitted to a seat on this floor, and the other turned over to the Senate.

The committee rose, and the House adjourned.

*Monday, Jan. 13.—*Mr. Hugh Nelson, from the Judiciary Committee, reported a bill to amend and explain the act for designating, surveying and granting military bounty-lands, passed the 1st of May, 1812: which was twice read and agreed to.

Mr. Chappell made a report unfavorable to the petition of John Paulding, (one of the citizens who captured the British Adjutant General, Major Andre, during the late revolutionary war,) who prays for an increase of the pension allowed to him by the government in consequence of that service.

Mr. Wright moved to reverse the report of the committee, and to declare that the prayer of the petitioner ought to be granted.

The report was opposed by Messrs. Wright, Smith of Md. Gold, Forsyth, Robertson and Sharp, on the ground of the importance of the services of this person and his companions, the magnitude of the virtue they displayed. The report was supported by Messrs. Chappell, Jewett, Tallmadge and Pickering, on the injustice of legislating on a

single case of pension for services, which were in fact, though important, but the common duty of every citizen, and in which no disability was incurred; whilst there were many survivors of the revolution, whom the favor of the government had not distinguished, and who are languishing in obscurity and want; to whom no relief had been or would be extended.

What gave interest principally to the debate, was the disclosure by Mr. Tallmadge of Connecticut (an officer at the time, and commanding the advance guard when Major Andre was brought in) of his view of the merit of this transaction, with which history and the records of the country have made every man familiar. The value of the service he did not deny, but, on the authority of the declarations of Major Andre (made while in the custody of Col. Tallmadge) he gave it as his opinion that, if Major Andre could have given to these men the amount they demanded for his release, he never would have been hung for a spy, nor in captivity on that occasion. Mr. T.'s statement was minutely circumstantial, and given with expressions of individual confidence in its correctness. Among other circumstances, he stated, that when Major Andre's boots were taken off by them, it was to search for plunder, and not to detect treason. These persons indeed, he said, were of that class of people who passed between both armies, as often in one camp as the other, and whom, he said, if he had met with them, he should probably have as soon have apprehended as Major Andre, as he had always made it a rule to do with these suspicious persons. The conclusion to be drawn from the whole of Mr. Tallmadge's statement, of which this is a brief abstract, was, that these persons had brought in Major Andre, only because they should probably get more for his apprehension than for his release.

This statement was received with surprise and incredulity, as to Major Andre's correctness, by the gentlemen on the other side of this question. It was very extraordinary, it was said, that at a day so much nearer the transaction than the present, there had existed no doubt on the subject, and Congress, as a mark of public gratitude for their honorable conduct on this important occasion, settled on these persons pensions for life.

A motion was made by Mr. Forsyth (and lost) to postpone the report to give further time to examine the correctness of the extraordinary view of the subject, which had been presented by Mr. Tallmadge.

It was moved to amend the resolution, so as to direct the committee to report a bill for increasing the compensation of the other two of the captors of Major Andre yet surviving, as well as of the petitioner, which motion was negatived.

The question on the reversing the report of the committee was decided in the negative, yeas 53, nays 80 or 90.

The report was agreed to.

Mr. Johnson of Ky. reported a bill to authorize the establishment of a National Armory for the manufacture of small arms.

The bill was read and committed.

The House then resumed the consideration of the contested election of Delegate for Missouri territory.

Mr Scott (the sitting Delegate) defended his right to his seat at considerable length, and with no little ingenuity.

The question was at length taken on the first

part of the resolution moved by the Speaker, viz. That the petitioner, Rufus Easton, was entitled to the certificate of being elected, and negative, 79 to 68—and the remaining part of the proposition (that Mr. Easton was entitled to a seat) was withdrawn by the mover.

Mr. T. M. Nelson then moved a resolution to the effect that, the election of Delegate for the territory of Missouri having been illegally conducted, the seat of the Delegate for that territory had become vacant, and that a new election be ordered; and that the Speaker communicate this resolution to the governor of the territory. The question on the resolution was then put in separate questions, when that part which related to the election being illegal, the seat being vacant, and the Speaker communicating the same to the Governor, was carried; whilst so much as related to a new election for the territory, was negatived.

On the motion of Mr. Johnson, all the orders of the day preceding that on the compensation law, were postponed to the day after to-morrow.

*Tuesday, Jan. 14.*—Mr. Lowndes from the committee of ways and means, delivered in a report on the finances and sinking fund, accompanied by a bill “to provide for the redemption of the public debt, and a bill “to repeal so much of any acts now in force as authorizes a loan of money or an issue of treasury notes.” These bills were read *pro forma*, by their titles, committed and ordered to be printed.

Mr. Forsyth, from the committee on foreign relations, reported a bill to prevent citizens of the United States from selling vessels of war to the citizens or subjects of any foreign power, and more effectually to prevent the arming and equipping vessels of war in the ports of the United States, intended to be used against nations in amity with the United States.

Mr. Pickering gave notice that he would, on to-morrow, ask leave to bring in a bill further to regulate the Territories of the United States, and their electing delegates to Congress.

A proposition yesterday made by Mr. Wright, for altering the rules of the House, so as to admit within the bar of the House, during its sittings, any person who shall have been elected a member of the Senate, or of this House, was taken up, and on the question, was decided in the negative.

Mr. Forsyth introduced the following resolution for consideration, without preface :

*Resolved by the Senate and House of Representatives, &c.* That the arrangement made by the president and directors of the bank of the United States, under which the notes of the stockholders, secured by deposit of six per cent. stock of the United States are received in place of the specie required to be paid as a part of the second instalment, is an unwarrantable extension of the corporate powers of that body, and that the secretary of the department of the treasury be, and he is hereby directed to withhold the deposits of the government from the said bank, until the proportion of specie required as part of the second instalment, is actually paid, according to the true intent and meaning of the act of incorporation.

*Resolved by the Senate and House of Representatives, &c.* That the discount of any note, or the loan of money by the bank of the United States, to individuals, on the credit of the funded debt of the United States, either transferred to the bank or to any of its officers, or deposited with an authority to sell the same, for the payment of the

debt contracted, is a manifest violation of the ninth rule or fundamental article of the constitution of the said bank, and is contrary to the spirit of the fifth section of the act of incorporation; and that the secretary for the department of the treasury be, and he is hereby directed, whenever he shall hereafter ascertain that any discount of notes, or loan of money has been made on such security, to proceed forthwith to withdraw from the said bank the deposits of the government, and that it shall be his duty to give information thereof to Congress during the first week of its succeeding session.

The resolution being in the form of a joint resolution, received its first and second reading, and was committed to a committee of the whole.

The bill to authorize the chairmen of the committees of both Houses to administer oaths, was read a third time, passed, and sent to the Senate.

*Compensation Law.*—The House proceeded to the order of the day on the bill to repeal the compensation law, so called, and substitute therefor a per diem allowance, and

The bill having been read, in committee of the whole, Mr. Breckinridge in the chair. No question was taken on the subject, except on the proposition to fix the rate of compensation hereafter at ten dollars per diem; which motion received but forty votes, less than a third of the whole number of the House, and was therefore negatived.

When the committee rose, reported progress, and obtained leave to sit again.

*Wednesday, Jan. 15.*—Mr. Pickering moved (agreeably to the notice given by him yesterday) for leave to bring in a bill further to regulate the territories of the United States, and their electing delegates to congress; which motion, together with a bill therewith submitted, was referred to Messrs. Pickering, Grosvenor, and Hugh Nelson. The bill was afterwards reported, twice read and committed.

On motion of Mr. Gold, the committee on the post office and post roads, were instructed to inquire into the expediency of establishing a post route from Oswego Falls, in the county of Oswego, to Troupsville, or Sodus, in the county of Ontario; and, on motion of Mr. Miller, the same committee were instructed to make inquiry into the expediency of changing the post route in South-Carolina, from Camden, to Lancaster; and, on motion of Mr. Pickens, the same committee were instructed to inquire into the expediency of establishing a post route from Morgantown, by Rutherfordton, N. Carolina, to Greenville, S. Carolina.

The bill from the senate concerning the attorney general of the United States, was twice read and committed.

The House resumed the consideration of the bill to repeal the act changing the mode of compensation of the Senators, Delegates, and Representatives in Congress.

After three or four hours further debate, the question was put on filling the blank (for the future daily compensation of the members) with nine dollars, and negatived.

The question was taken on filling the blank with eight dollars, and negatived as follows:

For the motion, 60

Against it, 93

The question was then taken on filling the blank with six dollars, (the old compensation) and decided in the affirmative, by the following vote:

For the motion, 84

Against it, 74

A motion was then made to amend the bill by striking out the whole bill, and inserting in lieu thereof two sections, the one absolutely and simply repealing the compensation law; the other requiring that there shall be deducted from the amount received by each member during the past and present sessions of Congress, all the amount over and above what he would have received under the old compensation of six dollars per day.

Before this question was decided, the committee rose, reported progress, and obtained leave to sit again.

*Thursday, Jan. 16.*—The House was occupied with the debate on the compensation bill. We shall endeavor to find room for a statement of the general points of argument in the next number of the Register.

#### SUMMARY.

Yesterday the house of representatives were occupied upon the question of adopting the report of the preceding day, formed in committee of the whole, upon the bill fixing the compensation of the members. The report was for allowing six dollars per day. After several motions made and rejected or withdrawn, intended to continue in force the law passed last session upon that subject, accompanied with a very interesting, animated debate, a condensed view of which we shall endeavor to give in our next, the question was taken on filling the blank with six dollars per day; which was rejected, nays 91, against ayes 81. It is understood that the next decision will be upon the question of eight dollars per day.

We see it announced in the papers of today that Ramsay's History of the United States is in print, and will be published by Mr. Carey in a few days.

#### Squadron in the Mediterranean.

Washington,	74 guns.	Erie,	18 guns.
Java,	44	Peacock,	18
United States,	44	Spark,	14
Constellation,	38	Hornet,	12
Ontario,	18		

"Our affairs are unsettled with Algiers, and until that business be arranged, it is not probable the force here will be diminished. Algiers shows marks of British vengeance, but the Dey is a remarkable man. He possesses intrepidity, firmness of character, and industry; and, with the exception of his fleet, is as formidable as ever; and by the spring will be more so. We proceed up the Mediterranean in a few days."—*Officer's letter.*

Yesterday, after some discussion, the Senate rejected, by a majority of one, the resolution requesting the Executive and instructing the treasurer to exclude from the directory of the existing banks such persons as they have cause to suspect of "committing directly or indirectly usurious practices."—*Richmond Enquirer, Jan. 8.*

The governor of North-Carolina, under the authority of the State, has contracted with Signor Canova, of Rome, for a statue of Washington, to cost \$10,000.

Capt. Bulchmore, from Pernambuco, 12th Nov. brought an indirect report that the English were fitting out an expedition against the Spanish patriots. Capt. B. adds that a vessel arrived at Pernambuco just before he sailed, bringing letters, some of which stated that the Portuguese troops had taken possession of Monte Video, and others that they had deserted and joined the patriots.